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The verbatim findings of fact, conclusions of law, and decision of the Pennsylvania Human Relations Commission with its final order in the Chester School District case, were reported. The areas studied were: school boundaries; population factors; class size; administration; faculty recruitment; textbook use; origin of the segregated school system; and proposals for desegregation, busing, and other factors directly or indirectly related to the separation of the races and the differences in the quality of education of Negro and white pupils. The unlawful discriminatory practices deprived Negroes in Chester of their civil rights. The school district was charged with assigning only Negro teachers and clerks to all-Negro schools, maintaining segregated all-Negro schools within the school system, establishing school zones confining the Negro to all-Negro schools, failing to provide enough kindergartens to accommodate Negro children in Chester, perpetuating the inferior physical condition of all-Negro school buildings, and failing to adopt any plan under which the schools it administers would be completely desegregated within a reasonable time. These charges of discrimination were upheld. Charges that textbooks used did not adequately portray the contributions of the Negro to American history, and that no Negro supervisors or administrators had been appointed were dismissed. The Chester School District, through its school board, officers, agents, and employees, was to take specified steps to correct the unlawful practices with which it was charged.							
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ED002286

THE CHESTER CASE

Pennsylvania Human Relations Commission

On November 20, 1964, the Pennsylvania Human Relations Commission issued its decision and final order in the Chester school case. (For background, see Integrated Education, June-July, 1964, pp. 4-5; August-September, 1964, pp. 4-5; and December, 1964-January, 1965, p. 3. See, also, "Pennsylvania's Affirmative Integration Policy," Integrated Education, August-September, 1964, pp. 57-59.) Following are the verbatim findings of fact, conclusions of law, the Commission's decision, and its final order.

1. The respondent, Chester School District, administers 17 public schools in the city of Chester, Delaware County, Pennsylvania, one of which, the Martin School, is a special school for orthogenic backward and excep-

tional children. The other 16 schools are composed of 11 elementary schools, grades 1 through 6 inclusive (five of which have kindergartens and one of which provides classes for orthogenic backward children), four junior high schools, grades 7 through 9 inclusive; and one senior high school, grades 10 through 12 inclusive.

2. The senior high school is composed of three separate buildings operated as a single high school. It is the only public senior high school in Chester and is therefore desegregated racially. As of May, 1964, 1958 pupils attended this high school, of whom 51% (1003) were white and 49% (955) were Negro.

3. The four junior high schools in Chester School District are Douglass, Pulaski, Showalter and Smedley. The number and race of pupils attending therein as of May, 1964, are as follows:

School	White	Negro	Total
Douglass	1	527	528
Pulaski	311	208	519
Showalter	114	672	786
Smedley	570	164	734

4. The names of the 11 elementary schools administered by respondent and the number and race of pupils attending each in May, 1964, are as follows:

School	White	Negro	Total
Dewey-Mann	None	823	823
Franklin	10	1,018	1,028
Jeffers	385	105	490
Larkin	224	207	431
Lincoln	69	490	559
Morton	77	122	199
Stetser	525	152	404
Washington	None	782	782
Watts	None	344	344
Wetherill	399	37	436
William Penn	732	89	821

The public school is the very backbone of American democracy and has been referred to as "the great equalizer of the conditions of men . . . the balance wheel of the social machinery." The wheel is definitely out of balance when a public school district permits one of its four junior high schools to be all-Negro as to pupils, principal, teachers and other personnel, and permits four of its eleven elementary schools to be all-Negro and one other of its elementary schools to be almost all-Negro.

—Pennsylvania Human Relations Commission

5. The pupils at the elementary schools of Dewey-Mann, Washington and Watts are 100% Negro; Franklin Elementary School is 99% Negro; Lincoln Elementary School is 87%

Negro; and Douglass Junior High School, with only one white student, is practically 100% Negro. The said public schools are racially segregated.

6. The population of the City of Chester changed racially between 1950 and 1960. In that time, it decreased from 66,069 to 63,658 by losing approximately 10,000 whites and gaining approximately 7,000 Negroes.

7. The total number of pupils in the Chester School District as of May, 1964, was 10,842, of whom 38% (4,147) were white and 62% (6,695) were Negro. In the senior high school 51% were white and 49% Negro; in the four junior high schools 39% were white and 61% Negro; and in the 11 elementary schools 34% were white and 66% Negro.

8. The capacities of the junior high schools are as follows: Douglass — 550; Pulaski — 700; Showalter — 700; and Smedley — 750.

9. The capacities of the 11 elementary schools are as follows:

Dewey-Mann	758
Franklin	980
Jefferis	490
Larkin	479
Lincoln	525
Morton	210
Stetser	360

Washington	770
Watts	385
Wetherill	420
William Penn	690

10. The orthogenic backward children in elementary schools situated in the western part of Chester are placed in six classes situated within the Dewey-Mann School, accommodating 108 pupils; orthogenic backward children in elementary schools situated in the eastern part of Chester are placed in six classes at the Martin School, accommodating 87 pupils. Only two white orthogenic backward pupils have been assigned over the years to the all-Negro Dewey-Mann School. In the school year 1963-1964, there were 498 orthogenic backward pupils in the western part of Chester, white and Negro but predominantly Negro, 390 of whom were absorbed into the regular school classes because there was no room to accommodate them at Dewey-Mann. In the same school year, there were 108 such students in the eastern part of Chester, white and Negro but predominantly white, 21 of whom were absorbed into the regular school classes because they could not be accommodated at Martin School.

11. The average size of classes at the 11 elementary schools on December 11, 1963, indicated that the all-Negro or nearly all-Negro schools were most overcrowded, as follows:

Dewey-Mann	37
Franklin	35
Jefferis	31
Larkin	31
Morton	33
Stetser	30
Washington	34
Watts	32
Wetherill	31
William Penn	33

12. Most of the Negro children in Chester do not receive any kindergarten training, there being only five kindergartens at Jefferis, Stetser, Washington, Wetherill and William Penn schools. Only one of these kindergartens is conducted at an all-Negro school, Washington Elementary School.

13. High school and junior high school pupils are accepted by respondent on a tuition basis from surrounding school districts, particularly Chester Township and Upland Township. Junior high school tuition students are both white and Negro and are assigned to Douglass and Showalter in Chester. Only Negro tuition pupils are being assigned to the all-Negro Douglass Junior High School.

14. As early as 1934, Negro parents protested to the Chester School Board concerning the poor physical condition of the all-Negro schools. As of February, 1964, the physical condition of the all-Negro school build-

ings, particularly of Dewey-Mann, Washington, Watts and Douglass, was poor, especially in toilet facilities, painting, lighting, plastering, cleanliness and general upkeep. Generally speaking, the physical condition of the all-Negro schools has been inferior to that of other schools in the Chester School District, with the exception of Morton and Larkin schools, both of which were built prior to 1900.

15. The respondent School District had at no time prior to September, 1964, employed special teachers to assist handicapped pupils in remedial reading or other subjects; nor have there been tutorial programs or cultural enrichment programs in Chester's schools for the culturally or motivationally deprived pupils.

16. The social studies, history and civics textbooks used in Chester's public schools do not adequately treat the contributions of the Negro to the American scene. There are no other textbooks yet available which do give adequate treatment to this subject. The Chester School District has made plans to purchase such books when they become available.

17. The respondent School District has at no time engaged a specially qualified human relations expert to assist principals and teachers to prepare supplementary material in intergroup and intercultural relations for

the pupils of Chester's public schools. The Curriculum Development Series No. 6, Guide to Intergroup Education in Schools, entitled, "Our Greatest Challenge — Human Relations" has been made available by the Pennsylvania Department of Public Instruction to the Chester School District, but its use had not been implemented as of May, 1964.

18. The City of Chester is approximately three miles wide. Within the concept of the requirement of the Public School Code that elementary school children must be bused if they are assigned to schools more than one and one-half (1½) miles distant from their homes, there are two und no more than three neighborhood school areas in the City of Chester.

19. The Chester School Board has the sole authority to establish or change school boundary lines for the assignment of pupils to particular public schools in accordance with law. Such boundary lines have been established for both junior high schools and for elementary schools in Chester. The minutes of the Chester School Board meetings do not indicate when the elementary school boundary lines were first established; nor do they reflect all of the changes effected in such boundary lines during the past ten years. Only boundary lines of August, 1954 and September, 1959

are referred to in the minutes of the School Board meetings.

20. Prior to 1954, Negro pupils were required by the Chester School District to pass all-white schools near their homes to attend more distant schools which were all-Negro.

21. During the past ten years, when boundary lines for the William Penn School were established, Negro pupils were permitted by respondent to cross such lines in order to attend the all-Negro Dewey-Mann School. As of May, 1964, such practice was not permitted.

22. Boundary lines for elementary schools are known to have been established by respondent in August, 1954 and are known to have been changed by respondent in September, 1959, on May 4, 1964 and on August 24, 1964. During the past ten years, however, other changes in boundary lines, not recorded in the Chester School Board's minutes, were made changing the western vertical boundary line defining the school zone for the all-Negro Dewey-Mann School.

23. The boundary lines established by respondent for Dewey-Mann, Washington and Watts Elementary Schools and for Douglass Junior High School define Negro residential areas in Chester and therefore have the effect of perpetuating racially segregated schools in Chester.

24. Prior to May 4, 1964, at least one white pupil, Jacqueline Kelly, 905 Palmer Street, Chester, Pennsylvania, had been crossing the boundary lines defining the all-Negro Dewey-Mann school zone and attending the substantially all-white William Penn School.

25. On May 4, 1964, the Chester School Board changed elementary school boundary lines and, among other changes, eliminated from the pre-existing boundary lines defining the school zone for the all-Negro Dewey-Mann School, an area located in the northwest portion of such zone, said area being composed of white residents only.

26. On August 24, 1964, the Chester School Board again changed boundary lines for elementary schools, eliminating all changes but one in boundary lines put into effect May 4, 1964. The change not disturbed by the Board's action of August 24, 1964, was the elimination of the all-white residential area from the Dewey-Mann school zone.

27. The Chester School District has established the Chester Creek as the boundary line governing the assignment of orthogenic backward pupils. There are 3,990 pupils, predominantly Negro, in the elementary schools west of that boundary line and 1,923 pupils, predominantly white, in the elementary schools east

Students are a product of the learning experiences which are provided for them, their experiences of interacting with people of various backgrounds socially, economically and culturally. Just as you don't learn to swim by just looking at a swimming pool and without ever getting into it, you don't learn to understand people unless you associate with them. Learning is not confined to just the direction which is given in the four walls of a classroom. Children learn through their association with each other in the cafeteria, eating lunch together. They learn through going on class trips together, journeys and educational excursions. They learn in the way in which they appreciate programs. They learn in the way in which they work together on committees in preparing class projects. And there is no way that a teacher, no matter how excellent she is . . . can give a child this experience.

—Mrs. Emma B. Brinckley, Principal
Douglass Junior High School
Chester, Pennsylvania

of that boundary line. There are 108 seats reserved at Dewey-Mann School

for orthogenic backward pupils west of said boundary line, and 87 seats reserved at Martin School for orthogenic backward pupils east of said boundary line. The white orthogenic backward pupil consequently has approximately five times as many chances of receiving the special treatment he requires than the Negro orthogenic backward pupil in Chester.

28. The Chester School Board engages teachers for the Chester School District and the Superintendent of the said District assigns teachers to particular schools. Promotions to supervisory and administrative positions within the Chester School District are likewise made by the Board on the

basis of recommendations from the Superintendent.

29. The Superintendent of the Chester School District engages and assigns all employees other than teachers, including clerks, stenographers and bookkeepers.

30. There were a total of 438 teachers in the Chester School District as of May 24, 1964, of whom 67% (293) were white and 33% (145) were Negro. As of that date, there were 95% (94) white and 5% (5) Negro teachers in the senior high school, there were 66% (91) white and 34% (46) Negro teachers in the four junior high schools; and there were 53% (108) white and 47% (94) Negro teachers in the eleven elementary schools.

31. A white teacher is not assigned or transferred by respondent to any Chester public school having an all-Negro faculty unless said teacher is willing to be so assigned or transferred.

32. As of May 14, 1964, with the exception of one white music teacher at Douglass Junior High School, only Negro teachers were assigned to the all-Negro schools of Douglass Junior High School, Dewey-Mann, Washington and Watts. Only white teachers were assigned to Jefferis, Morton, Stetser, Wetherill and William Penn schools.

33. The number and race of teachers assigned to junior high schools and elementary schools as of May 14, 1964, as follows:

School	White	Negro	Total
Douglass	1	32	33
Pulaski	23	5	28
Showalter	31	7	38
Smedley	36	2	38
Dewey-Mann	None	25	25
Franklin	8	20	28
Jefferis	16	None	16
Larkin	14	2	16
Lincoln	8	9	17
Morton	6	None	6
Stetser	15	None	15
Washington	None	25	25
Watts	None	13	13
Wetherill	15	None	15
William Penn	26	None	26

34. There are no Negro employees in the Chester School District holding any of the 13 supervisory or administrative positions above that of principal. However, with the exception of one known applicant, Negroes have not applied for positions to such supervisory or administrative positions.

35. Among the 29 bookkeepers, stenographers and other clerks in the Chester School District, five are Negroes, one of whom is assigned to Chester Senior High School. The other four Negro employees are assigned to the all-Negro Dewey-Mann, Franklin, Washington and Watts schools. Just as no Negro clerk has been assigned to predominantly white schools, no white clerk has been assigned to any all-Negro school. No Negro clerk has been assigned to work in the Administration Building.

36. The faculties and student bodies of Douglass Junior High School, Washington and Watts have at all times relevant hereto been all-Negro, with the exception of the music teacher and one white student at Douglass; and the student body, principal, faculty and other employees of Watts Elementary School have been all-Negro since its origin 75 years ago.

37. The same textbooks, courses and curriculum are used in all schools within the Chester School District. All teachers employed by the respondent

have the necessary State requirements for teacher certification.

38. Despite use of the same textbooks and curriculum, the education offered to pupils attending the all-Negro schools of Dewey-Mann, Douglas, Franklin, Washington and Watts in the Chester School District, is inherently unequal and inferior to that offered to pupils attending desegregated schools in the District.

39. Two Negro children in Chester of average intelligence and similar socio-economic background, one attending an all-Negro school and the other a desegregated school, would not have an equal chance of receiving a full education. The child who attends the desegregated school receives a fuller education.

40. There is a noted difference in the achievement ability of two Negro pupils of the same I.Q., one entering Pulaski Junior High School from the desegregated William Penn School, the other from the segregated Dewey-Mann School, the pupil from Dewey-Mann being at a disadvantage most of the time.

41. The separation of pupils by race in Chester's public schools prevents experiences which would promote understanding and serves to reinforce divisive prejudices among such pupils.

42. Desegregation of schools and facilities in Chester will improve the quality of education in the Chester School District.

43. In order to relieve overcrowding, the respondent, in November, 1963, began to transport two bus loads of Negro pupils out of Franklin Elementary School to Wetherill School and continued this practice to the end of the 1963-1964 school term at a cost of approximately \$7,800.00. Negro pupils thus transported from the overcrowded, all-Negro Franklin School to the Wetherill School became better motivated in attitude, desire to learn and demeanor.

44. As of May 6, 1964, the respondent, acting through the Chester School Board, had not proposed any effective plan under which the all-Negro schools in Chester might be desegregated; nor discussed at any Board meeting the advisability or inadvisability of eliminating Chester's all-Negro schools.

45. The 1964-1965 Chester School District budget is based upon a 46½ mills tax on real estate having an assessed valuation of about \$71,000,000.00. The tax rate was 44 mills in 1963-1964; 40 mills in 1962-1963; 37½ mills in 1961-1962; and 32 mills in 1960-1961. The tax rate by mills is 75 in adjoining Chester Township, and 80 in adjoining Upland Township. However, the ratio of assessed real

estate valuation to market value thereof is 22.7 in Chester Township, 24.9 in Upland Township and 31.3 in the City of Chester. The school tax rate in the City of Chester is lower in relation to market value of real estate than that of nearby school districts.

46. Proposals for desegregating Chester's public schools were submitted by a duly qualified educator and community consultant, Dr. Max Wolff, whereunder, with a minimum of busing, overcrowding in all of Chester's public schools would be eliminated immediately, space would become available for the establishment of kindergartens at all primary schools, all segregated classes past the 4th grade in all schools would be eliminated immediately, and grades below 5th grade would be desegregated on a long range basis. Dr. Wolff proposed that the Chester School District:

- (a) Combine Douglass, Showalter, Lincoln and Washington schools into one single junior high school complex for all junior high school pupils in Chester;
- (b) Convert Pulaski and Smedley into intermediate schools to serve all 5th and 6th grade pupils of Chester, making Stetser an annex to Smedley;

(c) Retain all remaining elementary schools as primary schools for children of kindergarten through the 4th grade; and

(d) Re-assign pupils below the 5th grade now at Lincoln, Washington and Stetser to nearby primary schools.

47. On July 13, 1964, the respondent rejected the Wolff proposals and offered its own eleven-point proposal as follows:

- (a) Emphasis on quality education in all schools with special emphasis in schools with special problems with expenditures of special funds for this purpose;
- (b) Overcrowdedness to be alleviated by transferring pupils to less crowded facilities by busing if necessary;
- (c) No radical change is to be made in present 6-3-3 school organization plan and the policy of neighborhood schools;
- (d) A long-range plan to alleviate overcrowdedness and eliminate old schools by relocating them in more desirable locations is to be undertaken;
- (e) Provision of more facilities for special education students is an item of high priority in planning;

- (f) Enlargement and conversion of the Showalter Junior High School into a new high school complex and use of the old high school as a junior high will permit the use of the Douglass facility for special education programs;
- (g) Maintenance of a close relationship with community groups to encourage understanding and cooperation;
- (h) Development of plans for a new elementary school in order to relieve overcrowding and provide space for kindergartens and special education classes;
- (i) Provision of kindergarten classes in culturally deprived areas as soon as possible;
- (j) Integrate the non-white staffs by filling vacancies as they develop and by encouraging voluntary transfers; and
- (k) Continuation and expansion of the pre-school program financed by the Chester School District and the Ford Foundation.

48. Beginning with September, 1964, the respondent School District began to implement its said eleven-point proposal, as follows:

- (a) Overcrowding at the all-Negro Dewey-Mann and Franklin

schools is being relieved by bus-
ing 240 Negro pupils from Frank-
lin to Wetherill and 69 Negro
pupils from Dewey-Mann to Wil-
liam Penn; also 41 additional
Negro pupils at Franklin have
been re-assigned to walk daily
to nearby desegregated schools
less crowded. Such busing will
cost the respondent between
\$26,000.00 and \$27,000.00 for
the 1964-1965 school year;

- (b) Respondent has made plans and expended money to repair and alter the all-Negro Dewey-Mann, Douglass, Franklin, Washington and Watts schools. In the sum-
mer months immediately preced-
ing September, 1964, respondent
expended the sum of \$69,000.00
on such repairs and alterations;
- (c) Respondent has assigned one
Negro teacher to each of the
previously all-white faculties of
Jeffers, Morton and William
Penn, leaving all-white faculties
only at Stetser and Wetherill;
respondent also assigned 4 white
teachers to the previously all-
Negro faculty of Dewey-Mann
and one white teacher to the
previously all-Negro faculty at
Washington; and
- (d) Respondent engaged three read-
ing specialists to teach slow read-
ers at the all-Negro elementary
schools.

49. As of September, 1964, the
total public school population had
decreased by 36, there now being
a total of 10,806 pupils in the Ches-
ter School District, of whom 36%
(3,909) are white and 64% (6,897)
are Negro.

Dr. John Fischer, president of
Teachers College, Columbia Uni-
versity, . . . once said that a
Negro child entering school "car-
ries a burden no white child can
ever know, no matter what handi-
caps or disabilities he may suffer."
The Commission sincerely believes
it is the duty of the Chester School
District to lighten that burden by
making an honest attempt to de-
segregate the all-Negro schools in
Chester. It should not be said that
this is too difficult a task—the
Chester School District has never
really tried.

—Pennsylvania Human Relations
Commission

50. The eleven-point proposal of
the Chester School District does not
adequately or satisfactorily provide
with sufficient particularity or a rea-
sonable timetable, for the desegrega-
tion of Chester's all-Negro and sub-
stantially all-Negro schools.

51. The Chester School District
has at no time desired or attempted

to desegregate Chester's public schools by the adoption of new school zones through the medium of new boundary lines for all schools.

52. Although the respondent was aware or should have been aware of the existence of segregated schools within its system, it did not at any time prior to July 13, 1964, attempt to correct this condition.

53. Chester's segregated public school system has not arisen by accident but, in large part, by the following actions and failures to act on the part of the respondent:

- (a) Failure to adjust boundary lines from time to time so as to prevent six of the 16 schools in Chester from becoming racially segregated;
- (b) Failure to take affirmative action over the years to eliminate its segregated school system which was originally created by the Chester School District's requirement that Negro pupils pass nearby schools to attend all-Negro schools much further away from their homes;
- (c) Failure to permit a policy of open enrollment;
- (d) Manipulating boundary lines
- (i) by eliminating a white residential area from the all-

Negro Dewey-Mann school zone and making it part of the substantially all-white William Penn school zone; and

(iii) by permitting crossing of boundary lines by Negroes from the William Penn school zone to the Dewey-Mann school zone, and by at least one white pupil out of the Dewey-Mann zone into the William Penn zone;

(e) Permitting the physical condition of the all-Negro school buildings to be inferior to that of other schools;

(f) Assigning only Negro teachers and only Negro clerks to all-Negro schools;

(g) Assigning only Negro orthogenic backward pupils to the all-Negro Dewey-Mann School;

(h) Assigning only Negro tuition pupils from nearby school districts to the all-Negro Douglass Junior High School; and

(i) Failure to approve or adopt any effective plan of desegregation, with a timetable, refusing to give consideration to such possible plan through its School Board.

CONCLUSIONS OF LAW

Upon all the evidence at the public hearing and the foregoing findings of fact, the Pennsylvania Human Relations Commission makes the following conclusions of law:

1. The Pennsylvania Human Relations Commission may properly act as the complainant in this proceeding.

2. At all times herein mentioned, respondent was and still is a place of public accommodations within the meaning of Section 4(1) of the Pennsylvania Human Relations Act.

3. At all times here mentioned, respondent was and still is an employer within the meaning of Section 4(b) of the Pennsylvania Human Relations Act.

4. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction over the respondent, Chester School District.

5. At all times herein mentioned, the Pennsylvania Human Relations Commission had and still has jurisdiction over the subject matter of this proceeding and over the instant complaint.

6. The unlawful discriminatory practices involved herein have occurred and still occur within the Commonwealth of Pennsylvania and have

deprived Negroes, residents of the City of Chester, Delaware County, Pennsylvania, of their civil rights.

7. At all times herein mentioned, respondent has committed and continues to commit unlawful discriminatory practices in violation of Section 4(g) and 5(a) of the Pennsylvania Human Relations Act, in that the respondent assigns only Negro teachers to all-Negro schools and only Negro clerks to all-Negro schools.

8. At all times herein mentioned, respondent has committed and continues to commit unlawful discriminatory practices in violation of Sections 4(g) and 5(i) of the Pennsylvania Human Relations Act, in that (1) respondent maintains segregated all-Negro and substantially all-Negro public schools within the school system, (2) respondent has established school zones which confine the Negro to all-Negro schools, (3) respondent has failed to make available kindergartens in sufficient number to accommodate the children of Negroes living in Chester, (4) respondent has permitted the physical condition of the all-Negro school buildings to be inferior to that of other school buildings in its system, and (5) respondent has failed to accept or adopt any affirmative program or plan whereunder the schools it administers will be effectively desegregated within a reasonable time.

COMMISSION'S DECISION

Upon all of the evidence at the public hearings of this case, and in consideration of the findings of fact and conclusions of law above set forth, the Pennsylvania Human Relations Commission finds and determines:

1. The Commission has jurisdiction over the respondent School District, the subject matter of this proceeding and the complaint, and the Motion to Dismiss is denied.

2. The respondent has committed and continues to commit unlawful discriminatory practices in violation of Sections 4(g), 5(a) and 5(i) of the Pennsylvania Human Relations Act, in that (1) respondent maintains segregated, all-Negro and substantially all-Negro public schools within its school system, (2) respondent has established public school zones which confine the Negro pupils to all-Negro schools, (3) respondent has failed to make available kindergartens in sufficient number to accommodate the children of Negroes living in Chester, (4) respondent assigns only Negro teachers and only Negro clerks to all-Negro public schools, (5) respondent has permitted the physical condition of the all-Negro school buildings to be inferior to that of other school buildings in its system, and (6) respondent has failed to accept or adopt any affirmative plan whereby

Community tradition and indifference to racial problems have influenced the respondent to assume its attitude about the sanctity of neighborhood schools, about the alleged impropriety of taking the matter of race into account in making assignments of students to public schools, and about the inability of the school board to find the necessary funds with which to effect desegregation. It should be pointed out, however, that a school district should not try to shift its responsibility to the community in which it is located—it is the school district's responsibility to do what needs to be done to eliminate a condition of segregation, illegal under the provisions of the Pennsylvania Human Relations Act.

—Pennsylvania Human Relations Commission

the public schools it administers will be effectively desegregated within a reasonable time.

3. The charge in the Complaint which avers unlawful discriminatory practices by the respondent for using textbooks which do not treat adequately or ignore entirely the contributions of the Negro to the American scene is dismissed.

4. The charge in the Complaint which avers that the respondent has

committed unlawful discriminatory practices by failing to appoint Negroes to supervisory and administrative positions is hereby dismissed.

5. The Pennsylvania Human Relations Commission will retain jurisdiction in the subject matter of this proceeding until such time as the respondent fully complies with the Commission's Final Order.

FINAL ORDER

AND NOW, November 20, 1964, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Commission's Decision, and pursuant to Section 9 of the Pennsylvania Human Relations Act and Sections 105.23 and 105.24 of the Regulations of the Commission, it is hereby

ORDERED, by the Pennsylvania Human Relations Commission

1. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall cease and desist from assigning only Negro teachers to those schools, the faculties of which are entirely Negro.

2. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall cease and desist from refusing to assign or transfer a white teacher to a public school, the faculty of which is entirely Negro

or almost entirely Negro, unless said white teachers give prior consent to be so assigned or transferred.

3. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees shall cease and desist from assigning only white teachers to Stetser Elementary School and to Wetherill Elementary School.

4. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall cease and desist from assigning only Negro bookkeepers, stenographers and clerks to the all-Negro Douglass Junior High School, Dewey-Mann Elementary School, Franklin Elementary School, Washington Elementary School and Watts Elementary School.

5. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall take immediate steps to establish kindergartens at the following all-Negro elementary schools: Dewey-Mann, Franklin and Watts.

6. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall take immediate steps to desegregate effectively the all-Negro Douglass Junior High School, and the following all-

Negro or substantially all-Negro elementary schools: Dewey-Mann, Franklin, Lincoln, Washington and Watts.

7. That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employees, shall take the

The Commission will not . . . prescribe the method by which respondent shall desegregate its all-Negro schools because the Chester school board alone must decide that important matter. But the Commission may order respondent to desegregate the all-Negro schools in an expeditious and satisfactory manner according to a definite timetable and retain jurisdiction until such affirmative actions are taken.

—Pennsylvania Human Relations Commission

following affirmative action which, in the judgment of the Commission, will effectuate the purpose of the Pennsylvania Human Relations Act:

a. Advise and direct in writing all individual members of the Chester School Board, all of its agents, employees and interviewers having any duty or function with respect to the solicitation, recruitment, referral, selection, hiring, assignment or transfer of teachers and of book-

keepers, clerks and stenographers, that it is the policy and intent of the respondent to comply fully with the Pennsylvania Human Relations Act, and that in the assignment of teachers, bookkeepers, clerks and stenographers, respondent will assign solely on the basis of individual merit and that

(1) respondent will not assign only Negro teachers, bookkeepers, clerks and stenographers to all-Negro Douglass Junior High School, Dewey-Mann Elementary School, Franklin Elementary School, Washington Elementary School and Watts Elementary School,

(2) respondent will not assign only white teachers, Stetser Elementary School and Weherill Elementary School, and

(3) respondent will not require the consent of any white teacher, bookkeeper, clerk or stenographer before assigning or transferring said employee to any public school which it administers;

b. Furnish the Commission with copies of said directive signed by each recipient to indicate its receipt by each of them;

c. Formulate a Plan consistent with the principles and findings of this decision, to establish kinder-

gartens at the following three all-Negro elementary schools: Dewey-Mann, Franklin and Watts, and submit such plan or plans for approval of this Commission on or before December 31, 1964, so that said plan or plans may be implemented beginning no later than February, 1965;

Children in a segregated school are not likely to become committed to the brotherhood of man or to acquire strong convictions concerning racial equality.

—Pennsylvania Human Relations Commission

d. Formulate a Plan consistent with the principles and findings of this decision, to desegregate effectively the following schools: Douglass Junior High School, Dewey-Mann Elementary School, Franklin Elementary School, Lincoln Elementary School, Washington Elementary School and Watts Elementary School. In the formulation of such plan of desegregation, the Commission urges the respondent carefully and seriously to consider the following guidelines:

(1) The plan must state all details as to the school or schools to be replaced, converted or paired, including but not limited to costs, proposed methods of obtaining the required funds, and

actual dates when the proposed construction or alterations will be commenced and completed;

(2) If the plan proposes conversion of a present school facility, it must also state with particularity the boundary lines which will define the school zone for such converted school, the number of children required to be bused to such school, and the cost of such busing;

(3) If the plan proposes construction of new school buildings, it must state specifically all details concerning the exact sites at which such buildings will be erected, the boundary lines which will define the school zones for each such new school, the number of children required to be bused to each such school, and the cost of such busing;

(4) For short range and immediate action, the plan could embody any or all of the following:

(a) The adoption of new boundary lines creating new zones which would desegregate some of the segregated schools;

(b) The creation of middle or intermediate schools for all 5th and 6th grade pupils, to desegregate such grades;

(c) The establishment of a single junior high school complex in the central part of Chester, similar to the present senior high school arrangement, which would desegregate the all-Negro Douglass Junior High School;

(d) The conversion of Chester High School into a junior high school to accommodate pupils now attending Douglass and Showalter Junior High Schools, and the conversion of Showalter Junior High School into a senior high school, to desegregate the all-Negro Douglass Junior High School;

e. Submit said Plan of Desegregation, with detailed information and stating a definite timetable, to this Commission for its approval, on or before January 31, 1965, so that said Plan or Plans, if approved by this Commission, may be implemented no later than the beginning of the 1965-1966 school year; and

f. Notify the Pennsylvania Human Relations Commission at its office at 1401 Lehigh and Industry Buildings, Harrisburg, Pennsylvania, 17120, in writing, within fifteen (15) days of the date of service of this Final Order, as to the steps the respondent has taken to comply with each ordered provision of this Final Order.